

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JUSTIN DALE PETERSON**

**PETITIONER**

**v.**

**CIVIL ACTION NO. 1:19-CV-89-LG-RHW**

**JOE ERRINGTON**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND GRANTING MOTION TO DISMISS**

For the reasons stated in the [11] Report and Recommendation of the Magistrate Judge filed November 15, 2019, and after an independent review of the record, a de novo determination of the issues, and consideration of Petitioner's [12] Objection to the Report and Recommendation, and having determined that the Magistrate Judge's findings are correct under applicable law:

**IT IS ORDERED AND ADJUDGED** that the [11] Report and Recommendation of the Magistrate Judge is **ADOPTED** as the findings and conclusions of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the [8] Motion to Dismiss filed by Respondent is **GRANTED**. The Petition is **DISMISSED with prejudice** as untimely.

**SO ORDERED AND ADJUDGED** this the 28<sup>th</sup> day of January, 2020.

*s/ Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE